

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)
COMPANY FOR: (1) A GENERAL ADJUSTMENT)
OF ITS RATES FOR ELECTRIC SERVICE; (2) AN)
ORDER APPROVING ITS 2014 ENVIRONMENTAL)
COMPLIANCE PLAN; (3) AN ORDER APPROVING)
ITS TARIFFS AND RIDERS; AND (4) AN ORDER)
GRANTING ALL OTHER REQUIRED APPROVALS)
AND RELIEF)

CASE NO.
2014-00396

ORDER

On February 11, 2015, Kentucky Power Company ("Kentucky Power"), filed a petition, pursuant to 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to Kentucky Power's responses to certain data requests propounded by Commission Staff ("Staff Requests"), Kentucky Industrial Utility Customers ("KIUC Requests"), and the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("AG Requests"), respectively. Subsequently, on August 28, 2015, Kentucky Power filed a petition to withdraw a portion of the February 11, 2015 petition as it relates to a portion of Kentucky Power's responses to KIUC Requests.

In support of its August 28, 2015 petition, Kentucky Power states that the need for confidential treatment of its response to KIUC Request 1-68 no longer exists. Kentucky Power requested confidential treatment for its response to KIUC Request 1-68 until such time that the retirement of Big Sandy Unit 2 is made public. The retirement of

Big Sandy Unit 2 has been made public, and thus confidential treatment is no longer required for Kentucky Power's response to KIUC 1-68.

In regard to the February 11, 2015 petition, the designated information and the respective time periods for which confidential treatment is requested, and the basis for the petition are as follows:

1. Staff Request 2-98. Kentucky Power requests confidential treatment for its response to Staff Request 2-98 for a period of ten years. The designated information is more particularly described as commercial and industrial customer-specific billing information. In support of its petition, Kentucky Power states that disclosure of the designated information could place its commercial and industrial customers at a competitive disadvantage, which could result in such customers being less likely to locate in Kentucky Power's service territory and, as a consequence, result in financial harm to Kentucky Power. Kentucky Power further states that the designated information is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. KIUC Request 1-66. Kentucky Power requests confidential treatment for its response to KIUC Request 1-66 for a period of time through 2016. The designated information is more particularly described as Kentucky Power's projected off-system sales margins after Big Sandy Unit 2 is retired. In support of its petition, Kentucky Power states that the designated information would enable its competitors to determine Kentucky Power's likely market strategies. Kentucky Power further states that if the designated information were to be publicly disclosed, it would permit an unfair commercial advantage to Kentucky Power's competitors, and thus is generally

recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

3. KIUC Request 1-67. Kentucky Power requests confidential treatment for its response to KIUC Request 1-67 for a period of time through 2016. The designated information is more particularly described as projected generation for 2015 and 2016 from Kentucky Power's generation units. In support of its petition, Kentucky Power states that the designated information would enable its competitors to determine Kentucky Power's likely market strategies. Kentucky Power further states that if the designated information were to be publicly disclosed, it would permit an unfair commercial advantage to Kentucky Power's competitors, and thus is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

4. AG Request 1-17. Kentucky Power requests confidential treatment for its response to AG Request 1-17 for a period of ten years. The designated information is more particularly described as Kentucky Power's vegetation management contracts with three companies. In support of its petition, Kentucky Power states that allowing competing companies to see each other's prices removes the incentive to provide competitive bids, which could result in higher costs to Kentucky Power. Kentucky Power further states that the designated information is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

5. AG Request 1-23(b) and (c). Kentucky Power requests confidential treatment for its response to AG Request 1-23(b) and (c) for a period of ten years. The designated information is more particularly described as annual equivalent availability

and annual net capacity factor for Kentucky Power's generating facilities for 2009 through 2014. In support of its petition, Kentucky Power states that disclosure of the designated information could establish benchmarks in future negotiations, which would likely result in increased costs to Kentucky Power and its customers. Kentucky Power further states that the designated information is generally recognized as confidential and thus is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

6. AG Request 1-85. Kentucky Power requests confidential treatment for its response to AG Request 1-85 for a period of ten years. The designated information is more particularly described as an executive compensation market analysis and regression study prepared by Meridian Compensation Partners, LLC ("Meridian") and Towers Watson Executive Compensation Survey ("Towers Watson"). In support of its petition, Kentucky Power states that the designated information is protected by non-disclosure agreements and/or intellectual property rights agreements between Kentucky Power's parent company, American Electric Power Company, Inc. ("AEP"), Meridian, and Towers Watson. Kentucky Power further states that the designated information is recognized as confidential or proprietary, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

7. AG Request 1-93. Kentucky Power requests confidential treatment for its response to AG Request 1-93 concerning its workers' compensation expense. The designated information is more particularly described as Kentucky Power's workers' compensation insurance coverage and premiums, for which Kentucky Power requests confidential treatment be afforded for a period of five years, and insurance invoices that contain account numbers and banking information, for which Kentucky Power requests

confidential treatment for an indefinite period. In support of its petition, Kentucky Power states that the disclosure of its workers' compensation insurance coverage and premiums could affect Kentucky Power's ability to negotiate in the future, and thus is confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c)(1). Kentucky Power further states that disclosure of sensitive banking information will result in an unwarranted invasion of privacy, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(a).

8. AG Request 1-144 and AG Request 1-145. Kentucky Power requests confidential treatment for its responses to AG Requests 1-144 and 1-145 for an indefinite period of time. The designated information is more particularly described as AEP Board of Directors and AEP Board Committee minutes for the years 2011 through 2014. In support of its petition, Kentucky Power states that the designated information contains non-public information regarding long-term planning that, if disclosed, could result in competitive harm to Kentucky Power. Kentucky Power further states that the designated information is generally recognized as confidential, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

9. AG Request 1-178. Kentucky Power requests confidential treatment for its response to AG Request 1-178 for an indefinite period of time. The designated information is more particularly described as a private letter ruling from the Internal Revenue Service ("IRS"). In support of its petition, Kentucky Power states that public disclosure of the designated information, which has been afforded confidential treatment by the IRS, would permit an unfair commercial advantage to Kentucky Power's

competitors, and thus is generally recognized as confidential and is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

10. AG Request 1-329. Kentucky Power requests confidential treatment for its response to AG Request 1-329 for a period of ten years. The designated information is more particularly described as customer-specific billing information for Kentucky Power's ten largest commercial and industrial customers. In support of its petition, Kentucky Power states that disclosure of the designated information could place its commercial and industrial customers at a competitive disadvantage, which could result in such customers being less likely to locate in Kentucky Power's service territory and, as a consequence, result in financial harm to Kentucky Power. Kentucky Power further states that the designated information is generally recognized as confidential or proprietary, and thus is exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the petitions and the materials at issue, the Commission finds that:

1. The materials contained in Kentucky Power's responses to Staff Request 2-98; KIUC Requests 1-66 and 1-67; and AG Requests 1-17, 1-23(b) and (c), 1-85, 1-93, 1-144, 1-145, 1-178, and 1-329 are records that meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(a) and 61.878(1)(c)(1), and 807 KAR 5:001, Section 13.

2. The materials contained in Kentucky Power's responses to Staff Request 2-98; KIUC Requests 1-66 and 1-67; and AG Requests 1-17, 1-23(b) and (c), 1-85, 1-93, 1-144, 1-145, 1-178, and 1-329 should not be placed in the public record or made available for public inspection for a period of time set forth in the Appendix to this Order.

3. Kentucky Power's request to withdraw its petition for confidential treatment for the materials contained in its response to KIUC 1-68 should be granted.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's motion for confidential protection for Staff Request 2-98; KIUC Request 1-66 and 1-67; AG Request 1-17, 1-23(b) and (c), 1-85, 1-93, 1-144, 1-145, 1-178, and 1-329 is hereby granted.

2. Kentucky Power's motion to withdraw its request for confidential treatment of its response to KIUC 1-68 is hereby granted.

3. The materials for which Kentucky Power's request for confidential treatment has been granted shall neither be placed in the public record nor made available for public inspection for a period of time set forth in the Appendix to this Order, or until further Orders of this Commission.

4. Within seven days of the date of this Order, Kentucky Power shall file revised pages reflecting as unredacted the information for which Kentucky Power has withdrawn the request for confidential treatment.

5. Use of the materials that were granted confidential treatment in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

6. Kentucky Power shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then Kentucky Power shall have 20

days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

8. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Kentucky Power to see a remedy afforded by law.

By the Commission

ENTERED
SEP 16 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2014-00396 DATED **SEP 16 2015**

ITEM	TIME PERIOD FOR CONFIDENTIAL TREATMENT
Staff Request 2-98	Ten years
KIUC Request 1-66	Through 2016
KIUC Request 1-67	Through 2016
AG Request 1-17	Ten Years
AG Request 1-23(b) and (c)	Ten Years
AG Request 1-85	Ten Years
AG Request 1-93 – insurance coverage and premiums	Five Years
AG Request 93 – bank account information	Indefinitely
AG Request 1-144	Indefinitely
AG Request 1-145	Indefinitely
AG Request 1-178	Indefinitely
AG Request 1-329	Ten Years

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